

From: [Richard Ehrhart](#)
To: [Rebekah Reynolds](#)
Cc: [Barbara Nann](#); [Kevin Shade](#); [Laurie King](#); [MDonnell@ENRD.USDOJ.GOV](#); [Melissa Smith](#); [Ragan Broyles](#); [Sunita Singhvi](#); [Terry Sykes](#); [troy.hill](#)
Subject: Re: Delfasco-USACOE cannot set up Trust Account
Date: 07/24/2009 12:46 PM

Rebekah,
thanks for following up... Lesson learned the attorneys know more than the program managers.
Rick

see below.. for one of several responses..

Richard Ehrhart,

Greg Herring once had a RI project with EPA R5 site, AM General/Chippwa GW Site, South Bend Indiana, that had two sources of money:

1. Bankruptcy Settlement Acct and
2. Normal EPA RCRA funds.

They setup a duplicate WBS/Cost tracking system for USACE and the contractor to account for execution & expenditures.

So there is precedence for this.

What kind of funding are we talking about?
Also how far out there is this project?

Mary Darling
402-995-2116 NEW downtown office phone
402-216-4253 mobile
402-995-2097 NEW fax
US Army Corps of Engineers
Rapid Response Program Office
Building 525, Room 324
PO Box 13287
Offutt AFB, NE 68113

-----Original Message-----

From: Ehrhart.Richard@epamail.epa.gov
[mailto:Ehrhart.Richard@epamail.epa.gov]
Sent: Wednesday, July 15, 2009 2:00 PM
To: Darling, Mary N NWO
Subject: RCRA Vapor Intrusion Site

Mary,
I am working on another EPA site where vapor intrusion into indoor air will require that we place vapor mitigation systems in approximately 100 family residences and will require some groundwater remediation. Here is my problem, the funds that we would like to use for mitigation is from a bankruptcy settlement and as such the RCRA program is not authorized to set up special accounts to manage these funds for site work as is the Superfund program. My question is does the USACE have that authority? If so, EPA could possibly establish the USACE as trustee to manage the funds and conduct the work at the site for EPA. Please feel free to call to discuss.
thanks
Rick

Rick Ehrhart
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Rebekah Reynolds to: Richard Ehrhart, Melissa Smith, Laurie King, 07/24/2009
troy hill, MDonnell, Terry Sykes, Sunita 12:19 PM
Singhvi, Ragan Broyles

Cc: Barbara Nann, Kevin Shade

I received a message from Gene Embry of the Army Corps of Engineers. He spoke with the Corps attorneys and, like EPA, the Corps is constrained by the Miscellaneous Receipts Act. The Corps will not be able to take money from Delfasco into trust to perform work at the Grand Prairie site .

Rebekah C. Reynolds
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